

1 required under FSMA?

2 MR. GUYER: Objection; argumentative.

3 You may answer.

4 A. Again, Sarah, the reason --

5 Q. Please answer my question, and then we can  
6 move on to the next one.

7 MR. GUYER: Objection --

8 Q. What are the words --

9 MR. GUYER: Objection; interrupting the  
10 client.

11 Q. -- or the sections that state that testing is  
12 required?

13 MR. GUYER: Objection; argumentative,  
14 rude.

15 A. I don't know that we're going to get to an  
16 answer that satisfies you. It's very clear that the  
17 intent of Congress, when they promulgated the law, was  
18 to have a direct impact on the safety of food.

19 Each year there are a million  
20 hospitalizations associated with salmonella --  
21 I'm sorry, a million illnesses, 19,000  
22 hospitalizations, and 380 deaths associated with  
23 salmonella in food. The intent of Congress was to put  
24 laws in place that would have a positive impact on  
25 food-borne illness and public health in America.

1 Q. No, not at all.

2 (Discussion off the record.)

3 (Lunch recess taken from

4 12:36 - 1:29 PM.)

5 (Exhibit No. 17 marked

6 for identification.)

7 THE WITNESS: Thank you.

8 -oOo-

9 EXAMINATION - (Cont'd)

10 BY MS. BOUCHARD:

11 Q. Mr. Byron, what has been marked as  
12 Exhibit No. 17 is an e-mail from you to Mansour,  
13 and the subject line is "Performance, Highlights and  
14 Bonus for 2010."

15 In your e-mail you state, "Mansour,  
16 attached is a summary that we discussed on Friday.  
17 Please take a look and let's discuss. It does not  
18 capture every activity of the year. It does capture  
19 some of the highlights worthy of discussion."

20 Why did you send this to him?

21 A. Well, because it was April, and I was  
22 interested to receive a bonus, and I wanted to  
23 initiate the conversation of payment of a bonus.

24 Q. Had you learned by the time you wrote that  
25 that other people had received a bonus and you did

1 not?

2 A. No. I wanted to initiate discussion about  
3 a bonus.

4 Q. So you didn't know whether anyone had  
5 received a bonus for the 2010 year when you wrote  
6 this.

7 A. No. Correct.

8 Q. When you look at the categories, it says,  
9 "Needs of the Business," and then a category is  
10 "Advances of 2010," and then it says, "Shortfalls of  
11 2010."

12 A. Uh-huh.

13 Q. "Shortfalls of 2010," were those your  
14 shortfalls?

15 A. Those are our shortfalls. Again, I look at  
16 myself as a part of an organization, and when you're  
17 a vice president or a C-level person in an  
18 organization, you're effective through the people you  
19 work with. You are not one-man show.

20 There are some exceptions, but generally  
21 the accepted wisdom is if you're leading an  
22 organization, you know, you're working with and  
23 depending on others to collaborate and achieve success  
24 today.

25 Q. So when you said, "Attached is a summary that

1 we discussed on Friday," what was the discussion that  
2 you had had on Friday?

3 A. I don't recall.

4 Q. It wasn't an angry phone call asking where  
5 your bonus was?

6 A. No.

7 Q. Are you sure about that?

8 A. I'm sure there was never an angry phone call  
9 looking for a bonus, so, yes, I'm sure.

10 Q. All right. So is this your summary of  
11 why you believed you were entitled to all of the  
12 bonus or part of the bonus? What was your thought  
13 there?

14 A. Well, somewhat disassociated from the  
15 bonus, I think it's important to periodically sit down  
16 and assess where you are, where you're trying to go,  
17 and then develop a plan to get there, and if you're  
18 part of an organization, you want to include  
19 other people that are important to that  
20 decision-making process in the process, and, because  
21 of that, I think it also is an appropriate document to  
22 talk about a bonus.

23 Q. So this had nothing to do with the fact that  
24 you didn't get a bonus in 2011?

25 A. No. I'm pretty --.

1 Q. Are you sure about that?

2 A. Uh-huh -- yeah. This is not -- it's not  
3 unusual for me to sit down and develop a plan and  
4 assess how things were.

5 Q. Is this the plan you were referring to  
6 earlier in your testimony?

7 A. No.

8 Q. This is a different plan?

9 A. I actually created -- this is -- yeah,  
10 this is just a -- kind of like a score sheet, almost,  
11 to see: Okay. Well, what are the things that we  
12 accomplished in 2010? What are the things that  
13 we -- you know, that are important?

14 I mean, when you use the word  
15 "shortfalls," that's actually setting you up for,  
16 you know, maybe doing those things in 2011,  
17 but you can see I identified down below opportunities  
18 for 2011, so the answer to your question is, this is  
19 independent of the bonus discussion. It supports  
20 the bonus discussion, but this document was prepared  
21 regardless of the bonus, obviously.

22 Q. Why is that obvious?

23 A. Because here it is and there was no bonus,  
24 so it was prepared independent of the bonus.

25 Q. Well, it was prepared because you were angry